

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

THE ESTATE OF ERIK A. ) CIVIL NO.CV04-00428 LEK  
POWELL, THROUGH )  
PERSONAL REPRESENTATIVE )  
MARY K. POWELL; THE )  
ESTATE OF JAMES D. )  
LAUGHLIN, THROUGH )  
PERSONAL REPRESENTATIVE )  
RAGINAE C. LAUGHLIN; )  
MARY K. POWELL, )  
INDIVIDUALLY; RAGINAE )  
C. LAUGHLIN, )  
INDIVIDUALLY; CHLOE )  
LAUGHLIN, A MINOR, )  
THROUGH HER NEXT )  
FRIEND, RAGINAE C. )  
LAUGHLIN, )

Plaintiffs, )

vs. )

CITY AND COUNTY OF )  
HONOLULU, )

Defendant. )

and )

CITY AND COUNTY OF )  
HONOLULU, )Third-Party )  
Plaintiff, )

vs. )

UNIVERSITY OF HAWAII, a )  
body corporate; JOHN )  
DOES 1-10, JANE DOES )  
1-10, DOE CORPORATIONS )  
and DOE ENTITIES, )Third-Party )  
Defendants. )

DEPOSITION OF:

RALPH S. GOTO

Wednesday

October 11, 2006

**EXHIBIT** "28"

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1 by that dollar amount for that year?

2 A. We are.

3 Q. So you have to work within whatever  
4 that dollar amount is?

5 A. Correct.

6 Q. And as part of your duties, do you go  
7 onsite to the beach parks?

8 A. As much as I can, yes.

9 Q. How often does your job allow you to do  
10 that?

11 A. It really depends. We do have -- like  
12 I said, we do have district captains that are  
13 responsible for each district and they have  
14 certain beaches that they're responsible for. In  
15 the normal course of my duties, I might get out  
16 once a week.

17 Q. And do you just choose randomly or do  
18 you have sort of a schedule of which parks you  
19 visit?

20 A. It's not scheduled.

21 Q. Do you tend to visit the parks that are  
22 having trouble or issues or do you just choose it  
23 randomly?

24 A. It really would depend on the situation  
25 and the day and the time of the year. For

1 assignments. For instance, taking from one beach  
2 park and assigning them to another. We have,  
3 once again, district captains who are managers of  
4 those districts and who as part of their job  
5 would anticipate the needs. For instance, for  
6 the winter, the North Shore, for instance, the  
7 winter surf season started, and the captain there  
8 has been planning for that since the beginning of  
9 summer: how many people they're going to need,  
10 where to get them, et cetera, et cetera, et  
11 cetera. So that decision, do I have the  
12 authority to move people around, I probably do.  
13 But I don't do that. Usually it's a district  
14 manager that will make a suggestion or a request  
15 for manpower.

16 Q. And, again, you said that the district  
17 manager, or captain, will have planned in advance  
18 knowing that the winter season brings larger  
19 waves to the North Shore and would need  
20 additional lifeguards?

21 A. Yes.

22 Q. Do you know when it was determined how  
23 many lifeguards would staff Hanauma Bay?

24 A. Specifically, I couldn't give you a  
25 date. I know that at the time of this incident,

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1 instance, we have a junior lifeguard program that  
2 we run during the summer, and I try to get out  
3 there to see what's going on. I try to stay in  
4 touch with the people that are on the beach to  
5 hear what's going on.

6 Q. How is it decided or determined how  
7 many lifeguards man each beach park?

8 A. There are a number of things that go  
9 into that decision. And the primary one is  
10 budget. We have eighteen, nineteen beach parks  
11 that we are responsible for providing lifeguard  
12 services for. One of the things we look at is  
13 use. And the other thing we look at is risk.  
14 There's risk-management concepts, if you will,  
15 assessing hazards, trying to design strategies to  
16 issue resources. And you've got a finite amount  
17 of resources. And it's essentially based on  
18 beach by beach.

19 Q. And as the administrator, can you, say,  
20 allocate a number of lifeguards depending on the  
21 seasons?

22 For instance, if it's wintertime and  
23 you need additional lifeguards on the North  
24 Shore, can you take them from other beach parks?

25 A. We don't do it. I mean, we don't make

1 that there were -- my understanding is there  
2 were two guards assigned to each tower and a  
3 relief officer.

4 Q. And two towers?

5 A. Yes.

6 Q. Do you know whether in the five years  
7 preceding this incident the number of lifeguards  
8 at Hanauma Bay had been different than that  
9 number?

10 A. Not to my knowledge.

11 Q. So ultimately who makes the decision or  
12 request to increase or decrease the number of  
13 lifeguards? Would that be the captain of the  
14 district?

15 A. The captain would base -- well, the  
16 captain would submit the request to the chief.  
17 And then we would look at the overall operation  
18 to see what our budget was and our resources and  
19 then make a determination.

20 Q. Do you know how much the -- strike  
21 that.

22 Do you know whether the number of  
23 lifeguards at Hanauma Bay has fluctuated  
24 significantly in the last five years?

25 MR. MAYESHIRO: Objection.